

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24TH DAY OF OCTOBER 2005, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Doug Marrs	-Supervisors
	John A. Muffo (Arrived 6:10 p.m.)	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Marc McGruder	-Budget Manager
	Steve Sandy	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Mary W. Biggs	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 - 1. New Blacksburg High School Stadium Site
 - 2. Old Blacksburg Middle School Site
- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Planning Commission Appointments
 - 2. Virginia Tech/Montgomery Regional Airport Authority Appointment

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>	<u>ABSENT DURING MEETING</u>
Doug Marrs	None	John A. Muffo	Mary W. Biggs
Steve L. Spradlin			
Annette S. Perkins			
James D. Politis			
Gary D. Creed			

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Doug Marrs
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

Mary W. Biggs

ABSENT DURING MEETING

Mary W. Biggs

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request – Brush Mountain Estates, LLC – WITHDRAWN

WITHDRAWN Brush Mountain Estates, LLC. (Agent: Draper Aden) request to rezone 22.08 acres from Agriculture (A-1) to Rural-Residential (R-R), with possible proffered conditions, to allow the development of ten (10) single-family detached dwellings. The property is located on the north side of Brush Mountain Road (Rte. 777) at the intersection of Pandapas Pond Road (US Rte. 460) and Autumn Lane and is identified as part of Tax Parcel No. 27-A-40 (Acct ID # 016095) in the Mount Tabor Magisterial District (District F). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

The Zoning Administrator explained that by letter dated October 12, 2005 the applicant requested to withdraw the rezoning application until additional information is obtained from the Virginia Department of Transportation.

Special Use Permit – Nathaniel Haile – WITHDRAWN

WITHDRAWN - Nathaniel Haile requests to amend condition #5 of a special use permit approved on June 13, 2005 (R-FY-05-241) granting the use of a landscape contractor's equipment storage yard. The property is located at 4612 Riverside Drive and is identified as Tax Parcel No. 50-A-26 (Acct ID # 018171) in the Prices Fork Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Zoning Administrator explained that by letter dated October 11, 2005, the applicant requested withdrawal of the amendment to the Special Use Permit dated June 13, 2005.

Rezoning Request – Walnut Creek Development

Walnut Creek Development (Agent: Gay & Neel, Inc.) requests to rezone 108 acres from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with possible proffered conditions, to allow approximately 157 single-family dwellings and 168 townhomes. The property is located on the West side of Houchins Road approximately 1650 feet North of the Brammer Lane intersection and is identified as Tax Parcel Nos. 80-A-40,42,43 (Acct ID #'s 018438, 018439, 018440) in the Shawsville Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a brief summary of Walnut Creek Development's rezoning request. Walnut Creek Development is requesting to rezone 108 acres from Agriculture to Planned Unit Development Residential to allow approximately 157 single-family homes and 168 townhomes. The applicant submitted seventeen proffered conditions.

At their October 12, 2005 meeting, the Planning Commission found the request in general conformance with the comprehensive plan and recommended approval. The Planning Commission did have several concerns with the rezoning, including the overcrowding of public schools, cash proffers, lack of recreation facilities, and dangerous traffic conditions at the Houchins Road and Route 460 intersection.

Will Dibling with Gentry, Locke Rakes & Moore, attorney for the applicant, addressed several concerns the Planning Commission had with the rezoning. The applicant is reserving 23 acres of the 108 acres to open space, with 40% of the 23 acres reserved for active recreation space and open trails through-out the development. The applicant also has proffered to phase in the development to help mitigate school population issues. They will not sell more than 35 lots within one year the date of final approval of the rezoning application. They will not sell any of the Phase III townhome sites until two years after the date of final approval of the rezoning application. During the first six years of development, no more than 50 building permits shall be issued in any year. Also, the applicant has proffered that they will upgrade the intersection of Houchins Road and Route 460. They will create right and left turn lanes according to VDOT standards. Mr. Dibling thanked the Board of Supervisors for their consideration.

John Neel, Gay & Neel Engineering, engineer for the applicant, addressed the Board on the engineering and technical aspects of the development.

Court Rosen, applicant, addressed the Board regarding his request. Mr. Rosen explained that he worked with the neighbors to discuss the development and to address any concerns they may had. He believes they have a well thought out development plan and appreciates the Board's consideration.

Steve Brumfield addressed concerns with storm water runoff onto his property, safety issues with Houchins Road and Route 460 Intersection, and with the right-of-way access to property. He stated that there will be three families that will be landlocked if right-of-way is not granted. Mr. Brumfield stated he is not against development but it needs to be done responsibly, and asked the Board to consider all the issues.

Jerry Moles is concerned about access to his land. He thanked Mr. Rosen for his consideration in meeting with the landowners. Mr. Moles supports the development if he will continue to have access to his property.

Robert Rakes expressed concern about the Houchins Road and Route 460 intersection. This intersection is heavily used and the proposed development will only increase the number of vehicles per day and the safety problems. Numerous issues still need to be addressed with the proposed development.

The Board of Supervisors discussed the rezoning request and asked for more information regarding the citizens concerns with their property being landlocked. Mr. Rosen explained that there are several property owners who have used a right-of-way access road in the past. He stated he has met with all property owners to discuss access issues and no one will be denied access to their property.

There being no further speakers, the public hearing was closed.

Rezoning Request – Brush Mountain Estates, LLC.

Brush Mountain Estates, LLC. (Agent: Draper Aden) request to rezone 34.21 acres from Agriculture (A-1) to Rural-Residential (R-R), with possible proffered conditions, to allow the development of nine (9) single-family detached dwellings. The property is located on the north side of Fortress Drive at the intersection of Pandapas Pond Road (US Rte. 460) and is identified as part of Tax Parcel No. 15-A-16 (Acct ID # 008325) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan

The Zoning Administrator provided a brief summary of the rezoning request. The applicant is requesting to rezone 34.21 acres from Agricultural to Rural – Residential to allow for nine single-family detached dwellings.

At their October 12, 2005 meeting, the Planning Commission recommended approval of this request.

Randall Hancock, Agent for the applicant, stated that Fortress Drive will be upgraded to VDOT's standards. He offered to answer any questions the Board may have.

There being no further speakers, the public hearing was closed.

Rezoning Request – Twin Creeks Mobile Home Estate, Inc. – CONTINUED

Twin Creeks Mobile Home Estate Inc. (Agent: Gay & Neel, Inc.) request to rezone 23.8 acres from Agriculture (A-1) to Multi-Family Residential (RM-1), with proffered conditions, to allow the development of sixty (60) single-family attached (town homes) dwellings. The property is located on the south side of Rock Road (Rte. 688) approximately 0.55 miles west of the Rock Road and Radford Road (US Route 11) intersection and is identified as Tax Parcel No. 90-A-5 (Acct ID # 019380) in the Riner Magisterial District (District D). The property currently lies in an area designated as the Plum Creek Village in the Comprehensive Plan.

At their October 19, 2005 meeting, the Planning Commission tabled this request until their November 9, 2005 meeting in order for the applicant to clarify several of their proffers. This public hearing will be continued to the Board of Supervisors November 28, 2005 meeting pending a recommendation from the Planning Commission.

Ordinance Amending the 2025 Comprehensive Plan – Prices Fork Village Plan

Montgomery County request to amend the 2025 Comprehensive Plan by adding the Prices Fork Village Plan. To consider the policy framework, maps and supporting data for the Prices Fork Village Plan. The Prices Fork Village Plan is the first in a series of six villages specified in PLU 1.7 Villages, PLU 1.7.1 Village Planning Process, and PNG 4.0 Villages and Rural Communities in Montgomery County 2025 Comprehensive Plan

The Planning Director provided the Board with an update on the Prices Fork Village Plan. The Prices Fork Village Plan is one of six village plans being developed in Montgomery County. The village plan is to provide a tool for future growth. This public hearing is to provide citizen input on the Prices Fork Village Plan and to request the Board of Supervisors to amend the 2025 Comprehensive Plan to include the Prices Fork Village Plan.

Trevor Kimzey thanked the Board for allowing citizen input during the Prices Fork Village Plan. The overall process was well conducted and he believes the plan will be a good planning tool for future growth.

Angela Sharp addressed the Board about the Prices Fork Elementary School. She described the history of the current school and the potential uses of the school if the Prices Fork Elementary School is located elsewhere. The possible uses included a community center, nature center, coal miners museum and a recreation center.

There being no further speakers, the public hearing was closed.

Amend the 2025 Comprehensive Plan – Falling Branch Corporate Park Connector Trail, Phase I
Montgomery County request to amend the Montgomery County 2025 Comprehensive Plan by adding the Falling Branch Corporate Park Connector Trail, Phase I as a high priority project within the summary and detailed description of routes in the Bikeway/Walkway Section of the Comprehensive Plan.

The Planning Director provided a brief summary of the Falling Branch Corporate Park Connector Trail, Phase I. The proposed trail will begin at the Falling Branch Park & Ride lot and end near the Falling Branch Corporate Park. This project is to allow employees of the Corporate Park to use the Smart-Way bus. It will also allow businesses in the Corporate Park to increase their employment pull by tapping into the Smart-Way bus transit system.

There being no speakers, the public hearing was closed.

Falling Branch Corporate Park Connector Trail, Phase I Project – Transportation Enhancement Funds

Montgomery County request to submit the Falling Branch Corporate Park Connector Trail, Phase I project for Transportation Enhancement Funds under the Intermodal Surface Transportation Efficiency Act (ISTEA). The project is located along the Interstate-81 right-of-way including the Falling Branch Elementary School, Tax Parcel No. 529-A-47 (Account ID #027061) and the Echostar Property, Tax Parcel No. 529-29-3 (Account ID #036068) in the Shawsville Magisterial District.

The Planning Director explained that Montgomery County is requesting to submit a grant application for the Falling Branch Corporate Park Connector Trail, Phase I. Montgomery County will apply for approximately \$100,000 in Transportation Enhancement Funds for a walkway/bikeway to go from the Falling Branch Park & Ride Lot to the Falling Branch Corporate Park. The total project cost is estimated at \$106,454.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 8, Article IV, Entitled Subdivisions, Section 8-132

An ordinance amending Chapter 8, Article IV, entitled Subdivisions, Section 8-132 of the Code of Montgomery County, Virginia, by adding a requirement that 100-year floodplain and base flood elevations be shown on all subdivision plats. In addition, the base flood elevations shall be calculated and shown on the plat for all subdivisions of five (5) or more lots or fifty (50) or more acres located in an approximated 100-year floodplain

The Planning Department described the proposed changes to the Subdivision Ordinance. The changes include that the location of any HUD/FEMA designated one hundred-year floodplains and related base elevations shall be shown on the plan and the location of one hundred-year floodplains shall be shown on the plat. For all subdivisions of five or more lots or fifty acres, base flood elevations shall be calculated and shown on the plat for any HUD/FEMA approximated one hundred-year floodplain.

At their October 19, 2005 meeting, the Planning Commission recommended approval of the amendment to the Subdivision Ordinance.

There being no speakers, the public hearing was closed.

An Ordinance Amending Chapter 8, Article IV, Entitled Subdivisions, Section 8-153

An ordinance amending Chapter 8, Article IV, entitled Subdivisions, Section 8-153 of the Code of Montgomery County, Virginia, to allow the Board of Supervisors to permit an exception for subdivisions from connection to a public sewer system when the nearby sewer line is a force main sewer line rather than a gravity sewer line

The Planning Director described the proposed changes to the Subdivision Ordinance as follows:

If the boundary of the subdivision lies within two hundred (200) feet of a public water or public sewer system, the subdivider shall make the necessary improvements to connect all lots to such systems; provided that any necessary easements can be secured either by the subdivider or the utility, and that the public utility has the capacity needed to serve the subdivision. The Board of Supervisors may permit an exception to this requirement if connection to a public system can only be achieved by crossing a highway, railway, or stream or by connection to a force main sewer line.

This change would allow flexibility for subdivisions near force main sewer lines.

At their October 19, 2005 meeting, the Planning Commission recommended approval of the amendment to the Subdivision Ordinance.

There being no speakers, the public hearing was closed.

An Ordinance Amending Chapter 8, Article IV, Entitled Subdivisions, Section 8-156
An ordinance amending Chapter 8, Article IV, entitled Subdivisions, Section 8-156 of the Code of Montgomery County, Virginia, to provide for County Engineer review of drainage issues in all subdivisions.

The Planning Director explained the proposed changes to the Subdivision Ordinance. The change would provide for County Engineer review of drainage issues in all subdivisions.

At their October 19, 2005 meeting, the Planning Commission recommended approval of the amendment to the Subdivision Ordinance.

There being no speakers, the public hearing was closed.

An Ordinance Amending Chapter 8, Article IV, Entitled Subdivisions, Sections 8-173 And 8-175
An ordinance amending Chapter 8, Article IV, entitled Subdivisions, Sections 8-173 and 8-175 of the Code of Montgomery County, Virginia, to require additional data to be shown on preliminary and final plats for major subdivisions, require that final plats for major subdivisions be submitted in a digital format approved by the agent, and require signature of county engineer on all major subdivision plats.

The Planning Director explained the proposed changes to the Subdivision Ordinance. The proposed changes would require additional data to be shown on preliminary and final plats for major subdivisions, require that final plats for major subdivisions be submitted in a digital format approved by the agent, and require signature of county engineer on all major subdivision plats.

At their October 19, 2005 meeting, the Planning Commission recommended approval of the amendment to the Subdivision Ordinance.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Dennis Brookes addressed the Board regarding needed improvements to Flick Drive.

Frank Lau asked the Board to consider establishing cash proffers to generate funds to offset the costs of development. Cash proffers is one way to address infrastructure needed for growth. Mr. Lau addressed the Smart-Way bus and the increased interest and use. Mr Lau also addressed the need for property tax relief for the elderly and disabled citizens in Montgomery County. He urged the Board to keep the exemption program and not change to a deferral program.

Charlie Bowles described recent improvements and additional maintenance needs for Camp Carysbrook Road. Mr. Bowles also addressed the need for a road concern tracking system at the Virginia Department of Transportation.

There being no further speakers, the public address session was closed.

ADD TO THE AGENDA - ADDENDUM #1

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried, the following addendum dated October 24, 2005 was added under New Business:

Resolution for Land Purchase

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	Steve L. Spradlin	Mary W. Biggs
James D. Politis		
Annette S. Perkins		
Doug Marrs		
Gary D. Creed		

ADD TO THE AGENDA - ADDENDUM # 2

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously, the following addendum dated October 24, 2005 was added to the Consent Agenda.

Sheriff – Communication Equipment – Supplemental Appropriation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		

CONSENT AGENDA

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated October 24, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Mary W. Biggs
James D. Politis		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

R-FY-06-53

A RESOLUTION SCHEDULING A PUBLIC HEARING TO HEAR CITIZEN COMMENTS ON A PROPOSED ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION OF THE CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery that the Board of Supervisors hereby schedules a public hearing for Wednesday, November 16, 2005, at 7:15, or as soon thereafter, in the Board of Supervisors Meeting Room in the County Government Center located at 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the following proposed Ordinance:

An Ordinance to Provide for the Implementation of the 2004-2005 Changes To The Personal Property Tax Relief Act of 1998.

A-FY-06-45
SHERIFF
RECOVERED COSTS AND
DMV GRANT APPROPRIATION

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

310	Sheriff – Comp Board	\$2,946
320	Sheriff – County	<u>\$5,210</u>
	Total	\$8,156

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
441101	Insurance Recoveries	\$1,441
424401	State Grants	5,210
419108	Recovered Costs	<u>1,505</u>
	Total	\$8,156

Said resolution appropriates recovered costs from insurance, extraditions, a DMV grant and Project Lifesaver funds.

A-FY-06-46
ECONOMIC DEVELOPMENT
REPAYMENT OF VDOT
INDUSTRIAL ACCESS ROAD PROGRAM FUNDS
FALLING BRANCH CORPORATE PARK

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

810	Economic Development	\$329,768
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451203	Undesignated Fund Balance	\$329,768

Said resolution appropriates fund balance to repay the Virginia Department of Transportation for costs incurred by the industrial access roads program for the Falling Branch Corporate Park, which was later not justified by eligible capital outlay.

A-FY-06-47
SHERIFF
COMMUNICATIONS EQUIPMENT
LONGSHOP/MCCOY AND RINER FIRE DEPARTMENT

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

320	Sheriff-County	\$4,193
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203	Undesignated Fund Balance \$4,193

Said resolution carries forward monies to cover the cost of communications equipment for Long Shop/McCoy Fire & Rescue and the Riner Fire Department.

R-FY-06-54
EMPLOYEE HOLIDAY SCHEDULE

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the following employee holiday schedule:

Thanksgiving Holiday:

Wednesday, November 23, 2005, Close at 12:00 Noon

Granting employees additional four (4) hour holiday time. Employees will work 3.5 hours or take the equivalent in leave if they choose to take the entire day off. Employees who do not work the normal 8:30 to 5:00 shift, will work 3.5 hours beginning at their normal shift time.

Thursday, November 24, 2005 – Regular scheduled Holiday

Friday, November 24, 2005 – Regular scheduled Holiday

Christmas Holiday:

Friday, December 23, 2005 – Additional Holiday

Monday, December 26, 2005 – Regular scheduled Holiday

New Year Holiday:

Monday, January 2, 2006 – Regular scheduled Holiday

OLD BUSINESS

**R-FY-06-55
REMOVE FROM THE TABLE
REQUEST TO VACATE BIRDIE ROAD
LOCATED IN SECTION 3 IN THE
BLACKSBURG COUNTRY CLUB ESTATES**

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby removes from the table the request by Frank Tomasson Jannuzi and Barbara G. Jannuzi and Elanine Flippo to vacate the unimproved right-of-way of Birdie Road that adjoins Lot 712 and 713 in Section 3 of the Blacksburg Country Club.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis

John A. Muffo

Doug Marrs

Steve L. Spradlin

Annette S. Perkins

Gary D. Creed

NAY

None

ABSENT

Mary W. Biggs

**ORD-FY-06-09
AN ORDINANCE VACATING BIRDIE ROAD
LOCATED IN SECTION 3 OF THE
BLACKSBURG COUNTRY CLUB ESTATES
SUBDIVISION RECORDED IN PLAT BOOK 5 AT PAGE 83
IN THE MONTGOMERY COUNTY
CIRCUIT COURT CLERK'S OFFICE**

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

WHEREAS, Frank Tomasson Jannuzi and Barbara G. Jannuzi have requested that the Montgomery County Board of Supervisors vacate the unimproved right of way identified as Birdie Road that adjoins Lots 712 and 713 in Section 3 of the Blacksburg Country Club Estates Subdivision that is recorded in Plat Book 5 at page 83 in the Montgomery County Circuit Court Clerk's Office, and add a portion of the Birdie Road Right of Way to Lot 712 as shown on the Plat entitled Lot Line Revision Plat for Lots 712 & 713, Section 3 Blacksburg Country Club Estate Located in Mt. Tabor Magisterial District Montgomery County, Virginia (the "Plat"); and

WHEREAS Elaine E. Flippo has also requested the Montgomery County Board of Supervisors to vacate the unimproved right of way identified as Birdie Road that adjoins Lots 712 and 713 in Section 3 of Blacksburg Country Club Estates and add a portion of the Birdie Road Right of Way to Lot 713 as shown on the above referenced Plat; and

WHEREAS, Section 15.2-2272.2 of the Code of Virginia, as amended, provides that the Board of Supervisors may vacate the Birdie Road right of way located in Section 3 of Blacksburg Country Club Estate by Ordinance; and

WHEREAS, The Board of Supervisors supports vacating Birdie Road subject to a twenty (20) foot drainage easement being retained within the right-of-way area; and

WHEREAS, A duly advertised public hearing on this Ordinance was held by the Board of Supervisors on July 25, 2005.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia, that in accordance with Section 15.2-2272.2 of the Code of Virginia, as amended, that the Birdie Road right of way adjoining Lots 712 & 713 located in Section 3 of the Blacksburg Country Club Estate Subdivision recorded in Plat Book 5 at page 83 in the Montgomery County Circuit Court Clerk's Office is hereby vacated with twenty (20') feet of the vacated right a way being conveyed to each of the adjoining owners of Lot 712 & 713 respectively subject to a twenty (20) foot drainage easement being retained within the vacated Birdie Road right-of-way with ten (10) feet retained on Lot 712 and ten (10) feet retained on Lot 713.

BE IT FURTHER ORDAINED, That the Chairman of the Board of Supervisors is hereby authorized to sign the respective plat(s) for recordation.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Doug Marrs		
Gary D. Creed		

Comprehensive Plan Amendment – Falling Branch Corporate Park Connector Trail, Phase I

Supervisor Muffo made a motion, for approval of the proposed resolution to add to the Comprehensive Plan the Falling Branch Corporate Park Connector Trail, Phase I as a high priority project within the summary and detailed description of routes in the Bikeway / Walkway Section of the Comprehensive Plan.

Motion failed for lack of second.

Proposed Resolution Supporting the Application for Transportation Enhancement Program Funds for the Falling Branch Corporate Park Connector Trail.

There being no motion, the proposed resolution was passed over.

**R-FY-06-56
RESOLUTION AUTHORIZING A
SERVICE AGREEMENT
FOR THE WESTERN VIRGINIA REGIONAL
JAIL AUTHORITY**

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

The County of Franklin, Virginia, the County of Montgomery, Virginia, the County of Roanoke, Virginia and the City of Salem, Virginia (each, a “Member Jurisdiction” and together, the “Member Jurisdictions”) have agreed to create the Western Virginia Regional Jail Authority (the “Authority”). The Authority is being created for the purpose of developing and operating a regional jail facility (the “Regional Jail”) for the benefit of the Member Jurisdictions. The relationship between and among the Member Jurisdictions and the Authority for paying the costs related to the Authority and the Regional Jail will be set forth in a Service Agreement tentatively dated October 1, 2005 (the “Service Agreement”) by and among the Authority and the Member Jurisdictions. To authorize the participation of Montgomery County, Virginia in the Authority, the Board of Supervisors (the “Governing Body”) wishes to authorize Montgomery County’s execution and delivery of the Service Agreement.

The form of the Service Agreement has been made available to the members of the Governing Body prior to this meeting and has been filed with the Governing Body’s records.

After careful consideration and in furtherance of the public purposes for which the Authority is being created, **NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. The Service Agreement is hereby approved in substantially the form made available to the members of the Governing Body prior to this meeting, with such changes, insertions, omissions or amendments (including, without limitation, changes of the dates thereof and therein) as may be approved by the Chairman of Montgomery County Board of Supervisors or the County Administrator. The approval of any such changes, insertions, omissions and amendments shall be evidenced conclusively by the execution and delivery of the Service Agreement. The performance of the Service Agreement by Montgomery County is authorized and directed.

2. The Chairman of the Montgomery County Board of Supervisors or the County Administrator, either of whom may act, are each authorized and directed to execute the Service Agreement on behalf of Montgomery County.

3. The members of the Governing Body and the staff of Montgomery County are authorized and directed to execute and deliver on behalf of Montgomery County, such other instruments, documents or certificates, and to do and perform such other things and acts, as any of them shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Service Agreement or such instruments, documents or certificates. All such actions previously taken are hereby ratified, approved and confirmed.

4. This Resolution shall take effect immediately upon its adoption. Unless the governing bodies of the other Member Jurisdictions adopt similar resolutions by October 31, 2005, this Resolution shall be deemed to be revoked.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Mary W. Biggs
James D. Politis		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

NEW BUSINESS

R-FY-06-57

SAFETY AND OPERATIONAL IMPROVEMENTS TO ROUTE 8 AND ROUTE 114

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

WHEREAS, Construction funding to fully widen Route 8 and Route 114 in Montgomery County does not appear available in the near future; and

WHEREAS, Development in these corridors continue and is vital to the growth and economic health of the County; and

WHEREAS, With increasing traffic on these two-lane highways, left turns at key intersections have become dangerous with the potential for deadly crashes, as well as causing traffic congestion increasing the chances for rear-end crashes.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Commonwealth Transportation Board to approve funding for the construction of left turn lanes of the following intersections in order to improve the safety and operational capacity of these heavily traveled primary routes:

1. Life Drive and Route 8
2. Smith Creek Road and Route 8
3. Rolling Hills Drive and Route 114

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs
John A. Muffo		
Steve L. Spradlin		
Doug Marrs		
Annette S. Perkins		
Gary D. Creed		

R-FY-06-58

RESOLUTION CHANGING THE SCOPE OF CIP PROJECT FOR ECONOMIC DEVELOPMENT

On a motion by Steve L. Spradlin, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors has approved and re-appropriated \$19,505 in unspent CIP funds for use in the Elliston/Lafayette Industrial Park; and

WHEREAS, The Economic Development Department has requested these remaining funds be redirected to the Falling Branch Corporate Park

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby change the scope of the CIP project from the Elliston/Lafayette Industrial Park to the Falling Branch Corporate Park.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Steve L. Spradlin		
Doug Marrs		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

R-FY-06-59
PETITION TO THE GOVERNOR
OF THE COMMONWEALTH OF VIRGINIA
TO DECLARE MONTGOMERY COUNTY A DROUGHT AREA

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, Widespread areas of Montgomery County have experienced drought conditions in late summer and early autumn of this year have caused agricultural losses in Montgomery County; and

WHEREAS, Precipitation has been well below normal while temperatures were above normal; and

WHEREAS, Many other businesses that service and supply agriculture producers will be affected economically; and

WHEREAS, The extended dry weather has significantly affected livestock producers' late summer hay crop and pastureland and some producers have had to over-graze their pastures, thus reducing the ability of the forage crop to return or survive winter conditions; and

WHEREAS, Other producers have had to begin feeding hay several months before usual, thus reducing reserves for winter months; and

WHEREAS, Some producers have sold their livestock early at much lighter weights than would have normally been realized;

WHEREAS, These conditions have and continue to cause severe financial loss to Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby petitions the Honorable Mark Warner, Governor of the Commonwealth of Virginia, to declare Montgomery County a drought area in order to provide the means for those affected to qualify for some relief assistance.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		
Gary D. Creed		

R-FY-06-60
A RESOLUTION AGREEING TO ENTER INTO
THE REAL ESTATE SALES AGREEMENT
DATED OCTOBER 21, 2005, WITH KIPPS FARM, LLC

On a motion by John A. Muffo, seconded by James D. Politis and carried,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to enter into the Real Estate Sales Agreement dated October 21, 2005, by and between Kipps Farm, LLC and the County of Montgomery, Virginia, to purchase 85.7 acres subject to certain conditions.

BE IT FURTHER RESOLVED, By the Board of Supervisors, that the Board hereby authorizes Gary Creed, Chairperson of the Board to sign the said Real Estate Sales Agreement on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	Steve L. Spradlin	Mary W. Biggs
Annette S. Perkins		
James D. Politis		
Doug Marrs		
Gary D. Creed		

INTO WORK SESSION

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Cash Proffers
2. 2005 Revenue Collections and Fund Balance
3. Roads Committee Report

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		
<u>Cash Proffers</u>		

David Moore, Chair Montgomery County Planning Commission, addressed the Board on guidance concerning the use of cash proffers. The Planning Commission would like guidance on how they should weigh the impacts of large developments on the school system and if they should seek to mitigate negative impacts through concessions and proffers from developers.

Supervisor Creed reported the Board of Supervisors received a letter from the Montgomery County Chamber of Commerce in opposition to cash proffers. Supervisor Creed read the letter into the record.

“ Dear Board of Supervisors Members:

The Montgomery County Chamber of Commerce is concerned over the possibility of cash proffers being levied on businesses and developers in our area.

While we understand that continued growth in our residential areas may put a burden on the school system, this type of taxation is anti-business and anti-growth. Businesses are more than willing to continue to support the school system through taxation on its current level, but new taxes of this sort will certainly give pause and concern to those that would already be increasing the tax base and providing our citizens with better housing options.

We oppose cash proffers. We believe that as a matter of principle and of fairness for our businesses and citizens, that demanding cash from developers or businesses is unfair and an additional tax on our business community that already contributes significantly in tax dollars. We believe that this is neither equitable or a long-term solution to additional funding for the school system. Further

development of a taxation schedule that is equitable and fair to all Montgomery County citizens is a better long-term solution than imposing singular taxation means to one segment of our community.

Sincerely,

Shane A. Adams
President/CEO”

The Board of Supervisors discussed the implementation of cash proffers. The Board recognized the imperative need for revenues to keep up with the demanding need for infrastructure and services due to increasing growth. However, the Board believes a comprehensive study on cash proffers needs to be undertaken in order to consider the possibility of implementing cash proffers.

FY 2005 Revenue Collections and General Fund Balance

The Budget Manger made a presentation on the FY 2005 Revenue Collections and General Fund Balance. Revenue Collections consist of undesignated revenues (78% of county revenue) and designated revenues (22% of county revenue). Undesignated revenues include real estate property taxes, personal property taxes and sales and use tax, while designated revenues include agency revenues and grants. Actual undesignated revenue collected for FY 05 was \$56,350,198, the estimated amount was \$56,189,239. Please note that the County could have been short \$1.7 million if not for the aggressive collection of delinquent property tax, \$1.25 million increase over the estimate, increase in recordation tax and interest on savings. This would have affected the County’s cash fund balance. The Budget Manager also presented a plan for maintaining the County’s General Fund Balance to cover the County’s cash flow needs.

Roads Committee Report

The County Administrator presented a report from the Roads Committee on the proposed Six-Year Secondary Road Improvement Plan. The Committee is recommending the following changes to the Six-Year Secondary Road Improvement Plan:

1. Remove Priority #2 Coal Hollow Road (SR 705). This road has been completed as a Rural Rustic Road.
2. Add Pollard Road (SR 644) as Priority #3. VDOT indicated this would be a low-cost item at approximately \$50,000 and would not effect the timeline of other road improvements listed in the Six-Year Secondary Road Improvement Plan.
3. Move Priority #6 Den Hill Road (SR 641) to Priority #9. Project funds have been accrued for this project; however, the project is pending due to right-of-way issues. Due to these facts, the project is recommended to be amended. Once the right-of-way issues have been resolved, the project may proceed.
4. Add Fisher’s View Road (SR 609) as Priority #12. By resolution dated June 13, 2005, the Board of Supervisors agreed to appropriate \$125,000 of the FY 2005-2006 Revenue Sharing funds for improvements to the upper end of this road under the Rural Rustic Road program.

The Rural Rustic Road program requires that the road must be listed as a priority on the Six-Year Secondary Road Improvement Plan.

The Roads Committee also discussed the Rural Addition Priority List and recommends the following changes:

1. Remove Priority #1, Riffe Street. This project is complete.
2. Move Big Vein Road , Priority #2 to Priority #1. The Board has approved \$73,000 in FY 2005-2006 Revenue Sharing funds to widen and pave this road, and to acquire needed right-of-way.
3. Add Cornstalk Road as Priority #10.
4. Add Flick Drive as Priority # 11.
5. Add Hawley Road ad Priority #12.

VDOT is to provide cost estimates for improvements to the roads listed above and updated costs estimates for the roads currently on the Rural Addition List. Once these estimates have been received, they will be forwarded to the Board.

The County Administrator also noted that the General Assembly granted Montgomery County's request and added the County to the list of counties where the maximum speed limit on non-surface treated highways shall be 35 mph, unless otherwise posted. VDOT has advised that they have no plans to install speed limit signs on gravel roads.

OUT OF WORK SESSION

On a motion by Steve L Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	Mary W. Biggs
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Doug Marrs		
Gary D. Creed		

BOARD MEMBERS' REPORT

Supervisor Spradlin submitted a petition received from citizens requesting Norris Run and Mt. Zion Road be repaired and maintenance work conducted, such as ditching and brush cutting.

Rail Road Crossing – Supervisor Spradlin received several calls concerning Norfolk Southern's maintenance work at rail-road crossings in the rural areas. Apparently, they are not feathering the pavement, which is causing problems with the farmers as their farm equipment cannot cross the tracks due to the raised tracks. Supervisor Spradlin requested the County Administrator to check into the issue and try to determine how best to resolve the problem.

Prices Fork Elementary School – School Zone Signs - Supervisor Spradlin reported that the flashing school zone sign cannot be seen due to the overgrown brush. He requested VDOT be notified.

Supervisor Muffo reported that Mr. Lynn Chenault, Director of Community Services Board, has retired and the Community Services Board is in the process of hiring a new director.

Supervisor Creed asked that the plans for the Elliston Fire Department be a top priority.

ADJOURNMENT

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously, the meeting adjourned to Wednesday, November 16, 2005 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Mary W. Biggs
James D. Politis		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

The meeting adjourned at 11:00 p.m.